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# THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES: QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

## Seventh revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37

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## Introduction

1. By resolution 10 (XXX) of 31 August 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, it considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was presented by Ms. Nicole Questiaux at the thirty-fifth session of the Sub-Commission (E/CN.4/Sub.2/1982/15).

2. In resolution 1983/18, the Commission on Human Rights requested the Sub-Commission to propose for the Commission's consideration measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency existed, especially respect for those rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights.

3. By resolution 1983/30, the Sub-Commission decided to include in its agenda an item entitled "Implementation of the right of derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights". Subsequently, by its resolution 1987/25, the Sub-Commission decided to examine this issue, as a matter of high priority, under the agenda item "The administration of justice and the human rights of detainees: (b) Question of human rights and states of emergency".

4. At the Sub-Commission's request, the Economic and Social Council, by resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30.

5. The mandate of the Special Rapporteur for that task, Mr. Leandro Despouy, as laid down in these resolutions as well as in subsequent Sub-Commission resolutions 1985/32, 1987/25, 1988/24, 1989/28, 1990/19, 1991/18, 1992/22, and 1993/28 includes the following main tasks: (a) to draw up and update annually a list of countries which proclaim or terminate a state of emergency; (b) to examine, in annual reports, questions of compliance by States with internal and international rules guaranteeing the legality of the introduction of a state of emergency; (c) to study the impact of emergency measures on human rights; (d) to recommend concrete measures with a view to guaranteeing respect for human rights in situations of state of siege or emergency.

6. The Special Rapporteur has presented to the Sub-Commission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third, fourth, fifth and sixth reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated versions of those

reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2; E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2; E/CN.4/Sub.2/1991/28/Rev.1; E/CN.4/Sub.2/1992/23/Rev.1; E/CN.4/Sub.2/1993/23/Rev.1).

7. Pursuant to the request contained in decision 1991/262 of the Economic and Social Council, the Special Rapporteur presented to the Sub-Commission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were continued in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

8. By its resolution 1994/43, the Commission on Human Rights, taking note of Sub-Commission resolution 1993/28, recommended to the Economic and Social Council to endorse the request by the Sub-Commission to Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list on states of emergency and to include in his annual report to the Sub-Commission and the Commission on Human Rights recommendations on inalienable or non-derogable rights.

9. The present seventh annual report has been prepared in pursuance of that as well as of other pertinent resolutions and decisions of the Commission on Human Rights and the Sub-Commission.

## I. QUESTION OF INALIENABLE OR NON-DEROGABLE RIGHTS

10. In 1985, when the Commission and the Sub-Commission laid down the Special Rapporteur's mandate, they requested him to study the impact of emergency measures on human rights and more particularly on inalienable or non-derogable rights.

11. The successive resolutions which renewed his mandate emphasized that request and invited the Special Rapporteur to make a thorough examination of the issue and to submit recommendations to the Commission and the Sub-Commission on means of strengthening protection for those rights in states of siege or emergency.

12. The Special Rapporteur has submitted to the appropriate bodies his findings concerning the violation of these rights on various occasions and in various countries, taking as his reference the rights listed in article 4 of the International Covenant on Civil and Political Rights, in view of that instrument's universal scope.

13. A number of the Sub-Commission's experts and some government representatives to the Commission expressed the hope, however, that he would expand his frame of reference to inalienable rights as a whole and not limit himself to those listed in article 4 of the Covenant. Such an approach is actually justified by the fact that the Human Rights Committee, which is responsible for monitoring the implementation of the Covenant, has established some precedents relating to other rights protected by that instrument which, although not specifically listed in article 4, are also inalienable and non-derogable.

14. There are also some other international instruments which provide that certain rights are inalienable at all times and under all circumstances, such as, for instance, the right to physical, mental and moral integrity. This is the case, in particular, of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

15. The issue becomes even more complex when we consider that other international instruments for the protection of human rights, drawn up at the regional level, go further in some cases than the Covenant in listing non-derogable rights. This is so, for example, in the case of article 27 of the American Convention on Human Rights. The African Charter on Human and Peoples' Rights contains no rule concerning derogation.

16. What is more, there is a special problem as far as collective rights are concerned. For example, there is the question whether the right to self-determination, which is provided for in article 1 of both the International Convenants on Human Rights may legitimately be considered a derogable right.

17. Moreover, the Geneva Conventions contain provisions relating to the protection of a specific category of rights, while circumscribing a hard core of rights that are inalienable, regardless of the nature of the conflict (international or domestic).

18. As his mandate covers all the States Members of the United Nations, the Special Rapporteur considers himself obliged to prepare the list of inalienable rights in the light of positive international law, i.e. treaty provisions, international case-law and international customary law. Within this framework, in addition to the human rights treaties, the case-law of the International Court of Justice, the precedents established within the ILO context for the implementation of international labour conventions, and the rules of jus cogens are of fundamental importance.

19. At present, it is no easy task to establish which rights are inalienable under positive international law and attempts to do so may give rise to much controversy. For this reason, the Special Rapporteur consulted experts at a meeting held at Geneva on 16 May 1994 1/ in order to achieve a better understanding of the problem and to submit to the Sub-Commission comments which, at this stage, are still preliminary ones. This study process will be continued and developed and its outcome will be submitted to the Sub-Commission in the 1995 report.

Preliminary comments

20. As regards the International Covenant on Civil and Political Rights, the trend in the jurisprudence of the Human Rights Committee, over 17 years' work, has been towards recognizing the inalienability of rights other than those listed in article 4, paragraph 2, of the Covenant. This is so in the case of the rights recognized in article 9, paragraphs 3 and 4 of the Covenant whose inalienability would derive from a reading of these provisions in the light of article 2, which applies to the Covenant as a whole, and from the fact that an examination of the periodic reports submitted by States under article 40 of the Covenant reveals the latter's understanding that the remedy of habeas corpus or amparo may not be suspended during a state of emergency.

21. Similarly, the Committee's jurisprudence tends to bring out the inalienable character of certain provisions of article 14 of the Covenant, which provides for the right to a fair trial.

22. There has been a similar trend in the (European) Convention for the Protection of Human Rights and Fundamental Freedoms. The European Commission and Court of Human Rights have extended the inalienability of rights, as established by article 15, paragraph 2, by their interpretation of the scope of the words "absolutely necessary" used in article 2 to classify the use of force, and by their interpretation of article 3, in respect of the risk of a violation of his physical integrity to which a person subject to a measure of refoulement or extradition is exposed.

23. In the American context, there has also been a particularly noteworthy trend in case-law and interpretation to the extent that not only are the rights listed in article 27, paragraph 2, recognized as inalienable, but the judicial guarantees that are essential for their protection are also covered. The most remarkable case in this respect is that of the remedy of habeas corpus which, according to a consultative opinion of the Inter-American Court of Human Rights, may not be suspended during a state of emergency, despite the fact that the Convention contains no provision making that remedy explicitly inalienable.

24. The right of refugees to non-refoulement has been identified as an inalienable right by the jurisprudence of certain bodies and by non-treaty sources such as - in the Latin American context - the Cartagena Declaration.

25. In addition, the protection of the right to physical, mental and moral integrity - whose inalienable character is prescribed by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - goes as far as prohibiting the extradition or refoulement of any person in danger of such treatment. Such is the interpretation of article 3 of the Convention recently given by the Committee established by the Convention.

26. Another line of thought that ought to be explored further concerns the complementarity of international human rights standards and those of international humanitarian law regarding the inalienability of certain fundamental rights.

27. As far as collective rights are concerned, it is also desirable to explore the issue further in view of the inalienable nature of certain minority rights, as well as of certain aspects of the right to the environment. As for the right to self-determination, a collective right (provided for, inter alia, by art. 1, common to the two International Covenants), its inalienable nature is not contested at all.

28. On the other hand, the work of the Inter-Parliamentary Union, and more especially its Committee on the Human Rights of Parliamentarians, tends to define the inalienable nature both of certain principles inherent in the functioning of the parliamentary institution itself and of certain rights inherent to the exercise of the parliamentary mandate.

29. For its part the case-law of the International Court of Justice has, in a number of matters, established the inalienable nature of certain rights; this is of particular importance on account of the binding nature of the Court's rulings.

30. Lastly, the evolution that has taken place within the human-dimension basket of the Conference on Security and Cooperation in Europe (CSCE) is worth mentioning. Among the guidelines that have been established is a recommendation that States refrain from abusively resorting to the state of emergency and, as far as inalienable rights are concerned, it is recommended that they do not derogate from the rights listed in article 4 of the International Covenant on Civil and Political Rights, even if they are not bound by that instrument. Proof that the system is functioning is given by the fact that two States, the Russian Federation and Azerbaijan, have notified the adoption of emergency measures.

## II. LIST OF STATES WHICH, SINCE 1 JANUARY 1985, HAVE PROCLAIMED, EXTENDED OR TERMINATED A STATE OF EMERGENCY

31. By drawing up this list of States which have proclaimed, extended or terminated a state of emergency, the Special Rapporteur has endeavoured, within the limits of the information available to him, to give the Sub-Commission and the Commission as complete a picture as possible of the world situation regarding states of emergency since 1 January 1985. The present composite list contains a summary of information which had already been included in his six previous reports as well as new information received from Governments, United Nations bodies and other intergovernmental organizations, communicated by non-governmental organizations in consultative status with the Economic and Social Council and published in the press since November 1993, when his sixth revised report was issued.

32. The purpose of this recapitulation is to give an overall view of the world situation regarding states of emergency and at the same time to improve the list prepared by the Special Rapporteur. To that end, it is essential to benefit once more from the cooperation of the Governments concerned, the non-governmental organizations and all those in a position to supply reliable information capable of correcting errors or remedying gaps which may exist in that list.

33. The Special Rapporteur periodically solicits information from all Governments, competent United Nations organs, specialized agencies and other intergovernmental and non-governmental organizations concerned. A list of replies and other communications received is contained in annex I.

34. Whenever the Special Rapporteur has learned, generally through the international press, of the adoption by a Government of emergency measures involving prima facie restriction of the exercise of human rights (partial suspension of the Constitution, curfew, etc.) he has immediately addressed that Government, through the Secretary-General, requesting specific and detailed information on the nature of the measures in force, the legal basis for them and, above all, the effect they are having or have had on human rights in general.

35. In drawing up this list, the Special Rapporteur also took into account those countries which have and apply ordinary legislation empowering the executive to adopt emergency measures (such as administrative or ministerial detention for long periods) without the need for official proclamation of a state of emergency in order to do so.

36. According to the information available to the Special Rapporteur, in the following 86 States and territories, since 1 January 1985, measures have been taken which constituted the proclamation, extension, maintenance or termination of emergency regimes in various forms:

Afghanistan: State of emergency proclaimed on 19 February 1989. Lifted on 28 May 1990.

Sources: Interim reports on the situation of human rights in Afghanistan, prepared by Mr. F. Ermacora, Special Rapporteur of the Commission on Human Rights (documents A/44/669, para. 20 (e), and A/45/664, para. 36).

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Algeria:* State of siege proclaimed on 6 October 1988. Terminated on 12 October 1988.

State of siege decreed on 4 June 1991 for a period of four months. Terminated on 29 September 1991.

Sources: Letter from the Government dated 28 April 1989; Notifications of the Government to the United Nations Secretary-General dated 19 June and 3 October 1991.

State of emergency proclaimed on 9 February 1992 for a duration of 12 months. Indefinite overnight curfew decreed on 2 December 1992.

On 7 February 1993, the state of emergency was extended indefinitely.

Sources: Notification of the Government to the United Nations Secretary-General dated 13 February 1992; information published in the press and received from non-governmental organizations.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Argentina: State of siege proclaimed on 25 October 1985 for 60 days. Terminated on 7 December 1985.

Sources: Letter from the Government dated 12 August 1987.

State of siege proclaimed on 29 May 1989 for 30 days. Lifted on 27 June 1989.

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* An asterisk accompanying the name of a country or a territory indicates that the state of emergency there is still in force.

Sources: Notifications of the Government to the United Nations Secretary-General dated 7 June 1989 and 11 July 1989.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 45, 49, 56 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Armenia: Since 15 January 1990, a state of emergency has been in force in the Gorissa region of the Armenian SSR.

Sources: Notification of the Government of the USSR to the United Nations Secretary-General dated 16 January 1990.

On 29 August 1990, a state of emergency was declared and a curfew introduced throughout the republic. Lifted on 16 August 1991.

On 16 December 1991, a state of emergency was declared and a curfew introduced in the Meghri region of Armenia for a period of three months.

On 19 June 1992, the state of emergency in the Meghri and Kapan regions of southern Armenia was reinstated for another three months.

Sources: Letter from the Government dated 10 July 1992, received in reply to the Special Rapporteur's request for information of 19 May 1992; information received from a non-governmental organization and published in the press.

In February 1993, a state of emergency was introduced in Armavir district of Armenia for a period of one month.

Sources: Information published in the press.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13 and 17; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Azerbaijan: State of emergency imposed in the Nagorno-Karabakh autonomous region and Agdam district of the Azerbaijan SSR as of 21 September 1988. Since 15 January 1990, a state of emergency has been in force in the territory of the Nagorno-Karabakh autonomous region, the regions of the

Azerbaijan SSR adjacent thereto, and the border zone along the state frontier of the USSR in the territory of the Azerbaijan SSR.

On 20 January 1990, a state of emergency was declared in the city of Baku. Lifted in August 1991.

In June 1990, a state of emergency was introduced in Azerbaijan SSR along its border with Armenian SSR.

Sources: Notifications of the Government of the USSR to the United Nations Secretary-General dated 13 October 1988, 15 and 29 January 1990; information published in the press.

On 14 May 1992, a state of emergency was decreed for a period of two months and a curfew introduced in the city of Baku.

Sources: Information published in the press. In a letter dated 19 May 1992, addressed to the Government of the Azerbaijan Republic, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

In March 1993, a state of emergency was declared in three districts of the Republic for a period of one month.

On 3 April 1993, a state of emergency was introduced in the whole territory of the Republic for a period of 60 days.

On 9 April 1993, a curfew was imposed in Baku and several other cities and districts.

In August 1993, the state of emergency was extended for another 60 days.

On 22 September 1993, the state of emergency was lifted throughout the country.

Sources: Notifications of the Government to the United Nations Secretary-General dated 16 April and 13 August 1993; communication of the Government to the Secretariat of the Conference on Security and Cooperation in Europe dated 11 August 1993; information published in the press.

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, annex I; Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Bangladesh: Martial law proclaimed on 24 March 1982. Terminated on 10 November 1986.

State of emergency declared on 27 November 1990. Lifted on 6 December 1990.

Sources: Letters from the Government dated 22 July 1987 and 1 April 1993.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, E/CN.4/Sub.2/1988/Rev.1, paras. 18 and 27; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Bolivia: State of emergency proclaimed on 18 September 1985. Terminated on 19 December 1985.

State of emergency proclaimed on 27 August 1986. Terminated on 27 November 1986.

State of emergency proclaimed on 15 November 1989. Terminated on 15 February 1990.

Sources: Notifications of the Government to the United Nations Secretary-General dated 27 September and 29 October 1985, 6 January, 28 August and 28 November 1986, 16 November and 8 December 1989 and 18 March 1990.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 27 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Bosnia and Herzegovina:* Admitted to the United Nations on 22 May 1992, this newly emerged State found itself in a de facto state of emergency at the moment of its transition to independence. The Special Rapporteur awaits more precise information to be submitted by the Government.

Sources: Periodic reports on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. T. Mazowiecki, Special Rapporteur of the Commission on Human Rights (E/CN.4/1994/3; E/CN.4/1994/4; E/CN.4/1994/6; E/CN.4/1994/8; E/CN.4/1994/47, paras. 10-98); information published in the press.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Brunei Darussalam:* State of emergency proclaimed on 12 December 1962. Still in force.

Sources: Letters from the Government, the latest dated 4 April 1991.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I: Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Burkina Faso: Succession of emergency regimes and situations comparable to states of emergency since November 1980 and until June 1991.

Sources: Letters from the Government dated 30 April 1991 and 10 June 1993.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Burundi:* State of emergency proclaimed and a curfew imposed on 21 October 1993. The curfew was lifted on 26 October 1993.

Sources: Information published in the press. In a letter dated 25 October 1993, addressed to the Government of Burundi, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

(Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Cameroon: State of emergency proclaimed on 18 April 1984. Lifted on 19 December 1991.

Sources: Information received from non-governmental organizations.

A state of emergency was in force from 27 October to 29 December 1992 in the North-West province of the country.

Source: Letter from the Government dated 29 December 1992.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Canada: State of emergency declared on 23 July 1989 throughout the province of Manitoba. Terminated on 4 August 1989.

Source: Letter from the Government dated 24 August 1989.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13 and 15; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Chad: No state of emergency has been formally proclaimed since 1 January 1985. However, a decree dated 7 April 1988 restricted for one week the realization of some human rights and fundamental freedoms.

Sources: Letters from the Government dated 20 July 1988 and 5 February 1991.

Curfew imposed in N'Djamena on 9 August 1993. On 22 October 1993, a curfew was introduced in the whole territory of the country. Lifted on 23 October 1993.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 25; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Chile: Proclamation of state of siege (from 7 November 1984 to 17 June 1985 and from 8 September 1986 to 5 January 1987), state of emergency (from 24 March 1984 to 27 August 1988) and state of danger of disturbance of internal peace (from 11 March 1981 to 27 August 1988).

Sources: Notifications of the Government to the United Nations Secretary-General dated, inter alia, 17 June 1985, 22 September 1986, 20 January 1987 and 31 August 1988; letters from the Government dated 10 August 1989, 21 February 1991 and 28 April 1993.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 41 and annex I; E/CN.4/Sub.2/1987/19/Rev.1/Add.1, annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18, 22, 27, 28 and 71; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

China: Martial law imposed in Lhasa, Tibet, on 8 March 1989. Lifted on 1 May 1990.

Martial law imposed in Beijing on 20 May 1989. Lifted on 11 January 1990.

Sources: Letters from the Government dated 8 May and 15 August 1989. Letter dated 12 January 1990 from the Permanent Representative of China (reproduced in E/CN.4/1990/55); information received from non-governmental organizations and other information published in the press.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Colombia:* State of siege proclaimed on 1 May 1984. Lifted on 7 July 1991.

State of internal disturbance was decreed from 10 to 16 July 1992 and from 8 November 1992 to 6 February 1993. On 5 February 1993, additional measures relating to the state of internal disturbance were decreed and it was extended until 7 May 1993.

State of internal disturbance was again decreed from 1 to 10 May 1994 throughout the national territory.

Sources: Notifications of the Government to the United Nations Secretary-General dated 7 May and 11 December 1984, 9 August 1991 and 16 July and 10 November 1992; 5 March 1993 and 6 May 1994; letters from the Government dated 21 December 1987, 13 July 1988, 18 April 1989, 16 September 1991, 24 July and 11 November 1992, and 27 January and 27 April 1993.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 44; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, paras. 16 and 25).

Congo: State of emergency was in force from 16 July to 15 August 1993. Curfews were imposed in the cities of Brazzaville and Pointe-Noire at the beginning of July 1993.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Croatia:* Admitted to the United Nations on 22 May 1992, this newly emerged State found itself in a de facto state of emergency at the moment of its transition to independence. The Special Rapporteur awaits more precise information to be submitted by the Government.

Sources: Fifth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. T. Mazowiecki, Special Rapporteur of the Commission on Human Rights (E/CN.4/1994/47, paras. 99-164); information published in the press.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Djibouti: On 16 November 1991, a curfew was introduced in the district of Obock.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Ecuador: Repeated proclamation of state of national emergency (14 to 17 March 1986, 28 to 30 October 1988, 31 May to 1 June 1988 and 27 September to 13 October 1989).

Sources: Letters from the Government (latest dated 12 January 1990); notifications of the Government to the United Nations Secretary-General dated 14 and 18 March 1986, 28 and 30 October 1987, 1 and 2 June 1988 and 2 August 1989.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 28 and annex I; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Egypt:* State of emergency has been in force since 6 October 1981. It was extended for a three-year period from 1 May 1988 to 31 May 1991.

Sources: Letter from the Government dated 28 March 1991; information received from non-governmental organizations.

On 1 June 1991, martial law was extended for another three years.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

El Salvador: Suspension of certain constitutional guarantees since 6 March 1980. Successive extensions of martial law in 1984-1985. Termination of state of emergency on 12 January 1987. Further suspension of constitutional guarantees on 12 November 1989 for 30 days, subsequently extended until mid-April 1990.

Sources: Notifications of the Government to the United Nations Secretary-General dated 3 November 1983, 14 June 1984, 31 July 1985, 13 November 1989 and 5 January 1990; letters from the Government, latest dated 18 August 1989; information received from non-governmental organizations.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 41 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24 and annex I; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Ethiopia: The existence of a de facto state of emergency for quite some time has been reported. From May 1988, state of emergency in force in the regions of Tigray and Eritrea. Terminated in May 1991.

In May 1991, a curfew was introduced in Addis Ababa. Lifted on 31 May 1992.

Sources: Statement by the observer for Ethiopia at the forty-fourth session of the Sub-Commission, on 19 August 1992; information received from non-governmental organizations and published in the press.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23, paras. 12 and 31; E/CN.4/Sub.2/1992/23/Rev.1, paras. 13, 39 and 40; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Fiji: State of public emergency proclaimed on 14 May 1987. Terminated on 5 December 1987.

Sources: Letters from the Government dated 6 November and 7 December 1989.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

France: State of emergency proclaimed in New Caledonia and dependencies on 12 January 1985. Extended until 30 June 1985.

State of emergency proclaimed in Wallis and Futuna on 29 October 1986. Terminated on 30 October 1986.

Sources: Notification of the Government to the Secretary-General of the Council of Europe; letter from the Government dated 9 July 1987.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 49 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Gabon: State of siege introduced in the province of Port-Gentil. Curfew in force since May 1990. Terminated in August 1990.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Gambia: State of emergency proclaimed on 2 August 1981. Terminated on 8 February 1985.

Sources: Information received from non-governmental organizations.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 27; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Georgia:* On 18 July 1989, a "special regime of conduct for citizens" was introduced in Abkhaz autonomous republic.

On 12 December 1990, a state of emergency was introduced and subsequently extended in Tskhinvali and Dzhavski district (South Ossetia). Terminated on 26 November 1991.

In September 1991, a state of emergency was introduced in Tbilisi, the capital city of Georgia.

In January 1992, a state of emergency was declared and a curfew introduced in Kutaisi and several districts of western Georgia.

On 6 July 1993, martial law was imposed in Abkhazia.

In September 1993, a state of emergency was introduced in the whole territory of the Republic for a period of two months and subsequently extended.

Sources: Information received from non-governmental organizations and published in the press. In two letters dated 19 May 1992 and 11 October 1993, the Special Rapporteur requested the Government of Georgia to provide information regarding the emergency measures taken and their impact on human rights.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Guatemala: On 25 May 1993, the suspension of certain constitutional guarantees was decreed, which was enforced for several days.

Sources: Letter from the Government dated 30 June 1993, received in reply to Special Rapporteur's request for information of 17 June 1993; 2/ report on the situation of human rights in Guatemala, prepared by Ms. Monica Pinto, Independent Expert of the Commission on Human Rights (E/CN.4/1994/10, paras. 16-21); information published in the press.

(Sixth report, E/CN.4/Sub.2/1993/23/Rev.1. para. 16).

Guyana: State of emergency declared on 28 November 1991.

Sources: Letter from the Government dated 24 March 1993.

(Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Haiti:* State of siege proclaimed on 29 January 1986. Terminated on 14 February 1986.

Sources: Letters from the Government dated 10 June 1987 and 16 March 1989.

State of siege introduced on 20 January 1990. Lifted on 30 January 1990.

Sources: Commission on Human Rights resolution 1990/56 of 7 March 1990; Reports on human rights situation in Haiti prepared by Mr. P. Texier, Independent Expert (E/CN.4/1990/44/Add.1, paras. 1 and 20; E/CN.4/1991/33, paras. 3, 11 and 125).

In September 1991, a curfew was introduced in Port-au-Prince. In a letter dated 22 October 1991 addressed to the Government of Haiti, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Not having received a reply from the authorities in the capital and possessing reliable information regarding the de facto state of emergency which exists in Haiti, the Special Rapporteur has undertaken a study on this issue (see chapter III of his sixth report).

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 41 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, paras. 16, 22-46).

Honduras: State of emergency proclaimed on 8 April 1988. Terminated on 13 April 1988.

Sources: Information received from non-governmental organizations and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

India: The Special Rapporteur awaits more precise information from the Government concerning the measures taken in Kashmir, Punjab, areas in the north-east and in Andhra Pradesh, where, according to non-governmental sources, certain constitutional guarantees were said to have been suspended under special laws which in effect established a continuing state of emergency.

On 7 December 1992, an indefinite curfew was imposed in parts of Old Delhi. Curfews were also ordered in some other large cities.

Since 2 August 1993, a curfew is in force in the town of Srinagar, Kashmir.

Sources: Information published in the press.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Iraq: The Special Rapporteur was awaiting information from the Government concerning the emergency measures taken during the armed conflict of 1991 and afterwards, as well as in connection with the events that have taken place in the Kurdish provinces. In a letter dated 4 March 1993, the Government of Iraq stated, inter alia, that:

"Despite the exceptional situation it has faced as a result of the aggression perpetrated against it by some 30 countries and in spite of the ensuing unrest, Iraq has neither proclaimed a state of emergency nor restricted the implementation of the articles of the Constitution or the laws, nor adopted measures which might undermine respect for human rights in general."

Sources: Letters from the Government dated 23 June 1987 and 4 March 1993; note verbale dated 3 July 1991 from the Permanent Mission of Iraq to the Centre for Human Rights (reproduced in E/CN.4/Sub.2/1991/51); reports on the situation of human rights in Iraq, prepared by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights (A/46/647, para. 60; E/CN.4/1992/31, paras. 22-39 and 151).

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Israel:* State of emergency in force since May 1948.

Sources: Notification of the Government received by the Secretary-General on 3 October 1991; letter from the Government dated 28 May 1991.

(First report, E/CN.4/Sub.2/1987/19/Rev.1/Add.2, chap. V; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Territories occupied by Israel:* Emergency legislation in force.

Curfews imposed in the Gaza Strip and the West Bank since December 1992.

Sources: United Nations reports; information received from intergovernmental and non-governmental organizations and published in the press. The Special Rapporteur awaits more detailed information to be submitted by the Government of Israel regarding the emergency measures taken and their impact on human rights.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13, 41 and 42; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Jordan: Martial law declared on 5 June 1967.

The Government's decision to repeal the martial law was endorsed by royal decree of 30 March 1992.

Sources: Letter from the Government dated 12 July 1993; reports of Jordan to the Human Rights Committee (CCPR/C/1/Add.55 and 56 and CCPR/C/46/Add.4; A/46/40, para. 578); information received from non-governmental organizations.

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Kazakhstan: On 19 June 1989, a curfew was introduced in the town of Novy Uzen, Guriev district. Lifted on 24 July 1989.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Kenya: According to a non-governmental source, a long-term state of emergency has been in effect in the north-eastern part of the country until the beginning of 1992. The Special Rapporteur awaits more precise information to be submitted by the Government, especially with regard to the emergency-type detention law currently in force.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Kuwait — On 26 February 1991, martial law was declared for a three-month period. Subsequently extended until 26 June 1991.

Sources: Letter from the Government dated 14 September 1993; information received from non-governmental organizations and published in the press.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Kyrgystan:* — From 7 June to 21 November 1990, a state of emergency was in force in the capital, Frunze (now renamed Bishkek). On 4 and 7 June 1990, a state of emergency was decreed and a curfew imposed in Osh town and in Osh region. Still in force. Partially lifted on 14 September 1991. In January 1993, a special regime of entry and exit was introduced in Osh region.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Lesotho: — State of emergency declared on 25 February 1988. Reinstated on 2 May 1988. Lifted in early 1990.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Second report, E/CN.4/Sub.2/1988/Rev.1, para. 18; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Liberia:* — Suspension of certain constitutional guarantees since July 1990. Curfew enforced in the capital.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;
Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Madagascar:* State of emergency declared on 23 July 1991 and subsequently extended. Curfew enforced in the capital.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;
Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Malawi: Emergency legislation in force since 1965 which expressly provides for preventive detention.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Malaysia: Four states of emergency proclaimed since independence were never revoked. The latest nationwide state of emergency was declared on 15 May 1969. Emergency legislation currently in force which expressly provides for preventive detention.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 30, 41 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18;
Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;
Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Mali:* State of emergency declared on 22 March 1991.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;
Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Mauritania: A curfew was introduced in rural areas of the south. A de facto state of emergency has been reported to exist in the Senegal river valley. In October 1992, a curfew was enforced in the capital.

Sources: Information published in the press and received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Moldova: From 26 October to 6 December 1990, a state of emergency was in force in several southern districts.

On 16 March 1992, a "special situation" regime was introduced on the left bank of Dnestr river. Lifted in September 1992. Curfew still in force. The "special situation" regime was again introduced in this area from 19 January to 1 March 1994.

On 28 March 1992, a state of emergency was decreed in the whole territory of the Republic. Lifted on 19 August 1992.

Sources: Letter from the Government dated 25 June 1992, received in reply to the Special Rapporteur's request for information of 19 May 1992; information received from non-governmental organizations and published in the press.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Myanmar:* State of emergency proclaimed at Prome on 22 July 1988 and in the Yangon region on 3 August 1988. Terminated on 24 August 1988.

Martial law introduced on 18 September 1988 and is still in force. By end of May 1990, it was lifted in 102 townships.

The curfew imposed on 10 October 1990 was lifted on 10 September 1992.

On 26 September 1992, two martial law orders dated 17 and 18 July 1989 were revoked.

Sources: Letters from the Government dated 29 May and 24 August 1987, 16 May and 17 August 1989, 26 January, 21 March, 7 May and 14 June 1990, 4 March 1991, 18 August, 28 September, 7 and 19 October 1992 and 22 January 1993; Report on the situation of human rights in Myanmar, prepared

by the Special Rapporteur of the Commission on Human Rights, E/CN.4/1993/37, para. 242 (d); information received from non-governmental organizations.

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18, 20 and 28; Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Nicaragua: State of emergency was in force, with brief interruptions, from 15 March 1982 to 19 January 1988, and from 20 October to 15 November 1988.

From 18 May to 17 June 1993, a partial suspension of certain constitutional rights and guarantees was decreed in some parts of the country.

Sources: Notifications of the Government to the Secretary-General of the United Nations, latest dated 4 February, 21 October and 16 November 1988 and 19 May and 11 August 1993.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 27 and annex I; E/CN.4/Sub.2/1987/19/Rev.1/Add.2, annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27 and Annex I; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Niger:* A state of emergency has been in force in the north of the country since 1992.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

Nigeria: State of emergency proclaimed on 31 December 1983.

In October 1991, an indefinite night-time curfew was imposed in the State of Kano.

On 18 November 1993, the Parliament was dissolved and certain constitutional guarantees suspended.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Pakistan: Martial law was in force from 5 July 1977 to 30 December 1985.

State of emergency proclaimed on 17 August 1988. Terminated on 1 December 1988.

Sources: Letters from the Government, latest dated 24 October and 5 December 1989.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 22, 30, 41 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Panama: State of emergency proclaimed on 10 June 1987. Terminated on 29 June 1987.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 11 and 30 June 1987.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Papua New Guinea: State of emergency proclaimed on 17 June 1985. Terminated on 21 October 1985.

State of emergency declared on 26 June 1989. On 12 January 1990 extended for a further two months.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Paraguay: State of siege, which had been in force since 1954, was terminated on 9 April 1987.

Sources: Letters from the Government, latest dated 27 April 1987 (reproduced in doc. E/CN.4/Sub.2/1987/18).

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 40 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Peru:* A state of emergency, which was declared for the first time in 1981, is currently in force in a considerable part of the territory; extension of states of emergency in certain provinces and departments and declaration of new states of emergency are periodically reported.

Sources: Notifications of the Government to the United Nations Secretary-General (latest dated 15 March and 20 June 1991); letters from the Government addressed to the Centre for Human Rights (latest dated 15, 21, 23 and 27 January, 16, 18 and 27 March, 3 April and 25 August 1992 and 18 August 1993).

On 5 April 1992, the President of the Republic has dissolved the Parliament and suspended, temporarily and partially, the Constitution throughout the territory of Peru. This suspension of constitutional rule ended on 30 December 1992.

Sources: Report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, Mr. B.W. Ndiaye, on his mission to Peru (E/CN.4/1994/7/Add.2, paras. 16, 21-24, 75, 86-88, 119-120); information published in the press and received from non-governmental organizations.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 43 and annex I; E/CN.4/Sub.2/1987/19/Rev.1/Add.1, annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 24 and Annex I; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13, 33 and 34; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Philippines: De facto states of emergency lasting only a few days were imposed in February 1986 during the revolution and at the time of the attempted coup d'état of 28 August 1987.

State of national emergency proclaimed on 6 December 1989. Ended on 7 June 1990.

Sources: Letters from the Government dated 10 December 1987, 2 April 1991 and 21 September 1992.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 22; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;

Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13, 37 and 38; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Russian Federation:* On 19 April 1991, a state of emergency was introduced in Vladikavkaz (North Ossetia) for a period of one month and subsequently extended until 19 September, 19 December 1991, 19 April and 10 August 1992.

On 13 June 1991, a state of emergency was introduced in Makhachkala, the capital city of Dagestan, for a period of one month.

On 19 August 1991, a state of emergency was declared in some parts of the USSR for six months by the newly established State Committee for the Emergency Situations. On 22 August 1991, all decrees of this Committee were cancelled by the President of the USSR.

Sources: Statement made by the observer for the USSR at the forty-third session of the Sub-Commission, on 30 August 1991; information received from non-governmental organizations and published in the press.

From 11 to 28 September 1991, a state of emergency was in force in the Kazbek district of Dagestan.

Repeated introduction of states of emergency in the Chechen Republic. A curfew was imposed on 10 February 1992 in its capital, Grozny, for 30 days.

In May 1992, a state of emergency was introduced in Makhachkala and Kizilyourt cities of Dagestan.

Sources: Information published in the press. In a letter dated 19 May 1992, addressed to the Government of the Russian Federation, the Special Rapporteur requested more detailed information regarding the emergency measures taken in some parts of the country and their impact on human rights.

On 10 June 1992, a state of emergency was introduced in several districts of the North Ossetia; curfew imposed in Vladikavkaz.

Sources: Letter from the Government dated 21 July 1992.

On 27 September 1992, a state of emergency was proclaimed in Nalchik, the capital city of Kabardino-Balkaria, for a period of two months; its actual introduction was, however, suspended.

On 2 November 1992, a state of emergency was introduced in the North Ossetia and in the Ingush republic for a period of

one month. Subsequently, the emergency regime in several districts and areas of Ingushetia and North Ossetia was repeatedly extended (last time: from 31 March to 31 May 1994).

Sources: Notification of the Government of the Russian Federation to the United Nations Secretary-General dated 3 November 1992, 28 October and 23 December 1993; letters from the Government dated 4 November and 21 December 1992 and 28 June, 11 August, 25 October and 29 December 1993 information received from non-governmental organizations and published in the press.

State of emergency was decreed from 3 to 10 October 1993 and a curfew introduced in the city of Moscow. Extended until 18 October 1993.

Sources: Notifications of the Government to the United Nations Secretary-Generál dated 4 and 21 October 1994; letters from the Government dated 4 and 25 October 1993; information published in the press.

On 29 May 1994, a curfew was decreed in the Chechen Republic for one month.

Sources: Information published in the press.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12 and annex II; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13, 16, 17, 22, 25-32; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Rwanda:* State of siege declared in October 1990.

Sources: Statement by the Minister of Justice of Rwanda of 17 January 1991; information received from non-governmental organizations and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13; Sixth report,E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Senegal: State of emergency was proclaimed from 29 February to 20 May 1988 and from 28 April to 19 May 1989.

Sources: Letters from the Government dated 20 September 1988, 15 January 1990 and 17 March 1993.

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 28; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;

Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Sierra Leone:* State of emergency declared on 2 November 1987. Renewed on 8 March 1988.

On 30 April 1992, a state of emergency was declared and a curfew imposed.

Sources: Information received from non-governmental organizations and published in the press. In a letter dated 19 May 1992, addressed to the Government of Sierra Leone, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, para.18;
Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;
Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13 and 25;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Singapore: Emergency legislation currently in force which expressly provides for preventive detention.

Sources: Letter from the Government dated 18 August 1989; information received from non-governmental organizations.

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18;
Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21;
Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;
Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Somalia:* Emergency regulations in force in areas affected by armed conflict.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12;
Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;
Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

South Africa:* State of emergency in 36 magisterial districts was proclaimed on 21 July 1985. A country-wide state of emergency has existed since 12 June 1986. Successive proclamations or extensions of states of emergency as well as lifting of some emergency regulations took place in 1987, 1988, 1989 and 1990.

On 7 June 1990, the state of emergency was lifted in all areas of the country, except Natal. The lifting of the state of emergency in Natal province was announced on 18 October 1990.

Sources: Letters from the Government dated 1 September 1988 and 6 July 1989 (cf. E/CN.4/Sub.2/1989/45); information submitted by the Special Committee against Apartheid; information received from non-governmental organizations.

On 28 October 1991, a state of emergency was imposed throughout the Ciskei.

Sources: Report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1992/8, paras. 167 and 168).

In its 1994 report, the Ad Hoc Working Group of Experts stated that in 1993, a large number of magisterial districts had been declared "unrest areas", thus creating a situation analogous to that under the declaration of an emergency (E/CN.4/1994/15, paras. 44 and 136).

On 31 March 1994, a state of emergency was introduced in Natal province.

Sources: Information published in the press.

The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; E/CN.4/Sub.2/1987/19/Rev.1/Add.2, Chapter IV.B; Second report E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 23; Third report, E/CN.4/Sub.2/1989/30/Rev.1, para. 18 and annex I; E/CN.4/Sub.2/1989/30/Rev.2, para. 21 and annex I; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Sri Lanka:* State of emergency proclaimed on 18 May 1983. Terminated on 11 January 1989.

State of emergency declared on 20 June 1989. Still in force.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 21 and 23 May 1984 and 13 January and 18 August 1989; letter from the Government dated 11 April 1991; Reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1992/18/Add.1, paras. 60-72 and 195; E/CN.4/1993/25/Add.1, paras. 16 and 146 (a)); information received from non-governmental organizations.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 41 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Sudan:* States of emergency proclaimed on 6 April 1985, 25 July 1987 and 30 June 1989. Still in force.

Sources: Notifications of the Government to the United Nations Secretary-General dated 21 August 1991 and 13 February 1992; report of Sudan submitted to the Human Rights Committee, dated 15 February 1991 (CCPR/C/45/Add.3); report on the situation of human rights in the Sudan, prepared by Mr. G. Bíró, Special Rapporteur of the Commission on Human Rights (E/CN.4/1994/48, paras. 22-23); information received from non-governmental organizations.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13;

Suriname: State of emergency was in force from August 1980 to 25 February 1986. On 1 December 1986, state of emergency was proclaimed in the eastern part of the country. Terminated on 1 September 1989.

Sources: Letters from the Government dated 5 December 1986 (reproduced in A/41/958), 13 March and 24 June 1991; information received from non-governmental organizations.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 40 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 22; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, paras. 16 and 25).

Syrian Arab Republic:* State of emergency proclaimed on 8 March 1963. Still in force.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Tajikistan:* In July 1989, a curfew was introduced in Isfara region.

On 12 February 1990, a state of emergency was declared in the capital, Dushanbe. Lifted on 29 June 1991.

On 23 September 1991, a state of emergency was introduced throughout the republic. Lifted on 30 September 1991.

Sources: Notification of the Government of the USSR to the United Nations Secretary-General dated 23 March 1990; information received from non-governmental organizations and published in the press.

State of emergency proclaimed and a curfew introduced on 5 May 1992. Lifted on 7 May 1992.

In September 1992, a state of emergency was introduced in several districts and towns of Kurgan-Tyube and Kuliab provinces.

On 23 October 1992, a state of emergency and a curfew were decreed in the capital, Dushanbe.

On 7 January 1993, a state of emergency was again declared and a curfew imposed in Dushanbe for a period of one month.

Sources: Information published in the press. In two letters dated 19 May and 28 October 1992, the Special Rapporteur requested the Government of Tajikistan to provide information regarding the emergency measures taken and their impact on human rights.

In March 1993, a state of emergency was declared and a curfew imposed in the whole territory of the country. Still in force.

Sources: Information published in the press.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13 and 31; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Thailand: Martial law introduced on 23 February 1991. Lifted on 3 May 1991.

On 18 May 1992, a state of emergency was introduced in Bangkok and surrounding provinces. Lifted on 26 May 1992.

Sources: Statement by the observer for Thailand at the forty-third session of the Sub-Commission, on 22 August 1991; letter from the Government dated

22 July 1992, received in reply to the Special Rapporteur's request for information of 19 May 1992; information published in the press.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13 and 25; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Togo: In April and in November 1991, curfews were introduced in Lomé, capital of the republic.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Trinidad and Tobago: A state of emergency was proclaimed on 28 July 1990 for a period of 90 days and subsequently extended. Remained in force until 9 December 1990.

Sources: Notification of the Government to the Secretary-General of the United Nations dated 15 August 1990; letter from the Government dated 12 March 1993.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Turkey:* Martial law, which was introduced on 26 December 1978 in 13 provinces, was proclaimed throughout the entire territory on 12 September 1980. As at 1 January 1985, it was in force in 34 provinces. By 19 July 1987 martial law was lifted throughout the country. In 1985-1987, in certain provinces, martial law was replaced by a state of emergency which is currently in force in 10 provinces in south-east Anatolia.

Sources: Letters from the Government dated 9 June 1987, 19 July 1988 and 15 February 1991; information received from non-governmental organizations.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 43 and annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Uganda: The existence of a de facto state of emergency has been reported, related particularly to the application of the Public Order and Security Act of 1967.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

United Kingdom of Great Britain and Northern Ireland:* Since 1974, a public emergency exists relating to the affairs of Northern Ireland.

Sources: Notifications of the Government to the United Nations Secretary-General dated 23 December 1988 and 23 March 1989; communication from the Government received by the Secretary-General on 18 December 1989; reports to the Human Rights Committee (latest documents: CCPR/C/58/Add.6, paras. 57-60; CCPR/C/58/Add.12, para. 18).

(Second report, E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

United States of America: States of emergency proclaimed and curfews imposed in Los Angeles, San Francisco, Las Vegas, Atlanta and some other places for short periods at the end of April-beginning of May 1992.

Sources: Letter from the Government dated 1 June 1992, received in reply to Special Rapporteur's request for information of 18 May 1992; information published in the press.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13, 15 and 25; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Uzbekistan: On 4 June 1989, a curfew was introduced in several townships of Fergana district.

Sources: Information received from a non-governmental organization and published in the press. In a letter dated 19 May 1992, addressed to the Government of Uzbekistan, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Venezuela: Emergency measures and suspension of certain constitutional guarantees were decreed on 28 February 1989.

On 22 March 1989, all the constitutional safeguards were re-established.

Sources: Notifications of the Government to the United Nations Secretary-General dated 17 and 31 March 1989; letters from the Government dated 3 and 18 April 1989 and 7 December 1990.

On 4 February 1992, certain constitutional guarantees were suspended. On 13 February 1992, a partial restoration of previously suspended guarantees was decreed. By a decree dated 9 April 1992, the President of the Republic has restored all constitutional guarantees.

Sources: Notifications of the Government to the United Nations Secretary-General dated 4 and 21 February and 24 April 1992; letter from the Government dated 11 February 1992.

On 27 November 1992, suspension of certain constitutional guarantees was decreed. By decrees dated 1 and 22 December 1992 and 16 January 1993, all constitutional guarantees were restored.

From 16 to 25 January 1993, certain constitutional guarantees were again suspended in some parts of the national territory.

Sources: Letter from the Government dated 1 April 1993; information received from non-governmental organizations.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, paras. 13 and 15; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Yemen:* On 5 May 1994, a 30-day state of emergency was declared and a curfew imposed in the whole territory of the country.

Sources: Information published in the press. In a letter dated 16 May 1994, addressed to the Government of Yemen, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Yugoslavia:* On 28 March 1989, special measures involving suspension of freedoms of assembly and movement were introduced in the province of Kosovo. On 18 April 1990, all the emergency measures in the territory of the province were lifted.

Sources: Notifications of the Government to the United Nations Secretary-General dated 14 April 1989, 29 May 1989, 19 March 1990 and 24 April 1990.

On 18 October 1991, the "existence of an immediate threat of war" was established by the decision of the Presidency of the SFRY throughout the territory of the country.

Sources: Letters from the Government dated 18 and 21 February 1992.

Except for Slovenia, the other newly emerged States which made up the former Yugoslavia found themselves in a de facto state of emergency at the moment of their transition to independence.

Sources: Fifth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. T. Mazowiecki, Special Rapporteur of the Commission on Human Rights (E/CN.4/1994/47); information published in the press.

(Third report, E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Zaire: In a letter dated 28 October 1991, addressed to the Government of Zaire, the Special Rapporteur requested more detailed information regarding the emergency measures taken in connection with September riots in the country, and their impact on human rights.

A non-governmental source later advised the Special Rapporteur that those measures did not constitute a state of emergency and were of very short duration. The Special Rapporteur therefore awaits more precise information to be submitted by the Government of Zaire.

(Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13 Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Zambia:* State of emergency introduced on 27 July 1964. Lifted in 1991.

State of emergency declared on 4 March 1993.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government of Zambia in reply to his letter dated 17 June 1993.

(Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13, Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

Zimbabwe: State of emergency, which had been in force since November 1965, was lifted on 25 July 1990.

Sources: Letters from the Government dated 23 March and 12 July 1988; information received from non-governmental organizations.

(First report, E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and Annex I; Second report, E/CN.4/Sub.2/1988/18/Rev.1, paras. 18, 26 and 35 and Annex I; Fourth report, E/CN.4/Sub.2/1991/28/Rev.1, para. 12; Fifth report, E/CN.4/Sub.2/1992/23/Rev.1, para. 13; Sixth report, E/CN.4/Sub.2/1993/23/Rev.1, para. 16).

37. The Special Rapporteur is aware of the possibility that the existence of a state of emergency in other countries might not have come to his knowledge and trusts that the cooperation of States and intergovernmental and non-governmental organizations in the procedure being applied will soon enable him to give a full account of the situation worldwide.

## III. OBSERVATIONS AND RECOMMENDATIONS

38. On the basis of the information he has received and examined, the Special Rapporteur would like once again to draw to the particular attention of the Commission and the Sub-Commission the dangerous divergence from the rule of law resulting from the introduction of regulations of the emergency type by means of ordinary legislation, without resorting to a formal declaration of a state of emergency.

39. Such a misuse of law, which is daily becoming more frequent, even in countries with a long-standing democratic tradition, is particularly serious when it takes the form of criminal laws or procedures applicable under normal circumstances. The most common spheres of such legislation are State security (and more particularly anti-terrorist legislation), the campaign against drug trafficking, provisional arrest, occasionally questions relating to publications, and quite recently, questions of immigration.

40. A particularly disturbing development is that these laws introduce, under normal circumstances, restrictions on rights which may be suspended only during formally declared states of emergency. What is more, the ordinary legislation in question occasionally affects even inalienable rights from which no derogation is possible, even under exceptional circumstances.

41. To consider this issue in depth, the Special Rapporteur appeals in particular to the Working Group on Arbitrary Detention and to the various thematic rapporteurs, especially the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on xenophobia.

### Notes

1/ An expert meeting on rights from which no derogation is possible during states or situations of emergency was organized at the Geneva International Conference Centre, on 16 May 1994, by the Association of International Consultants on Human Rights (CID) with financial support from the Governments of Brazil, Greece, Norway, Sweden and Switzerland. Numerous eminent jurists and distinguished human rights specialists attended the meeting, including C. Bassiouni (De Paul University), L. Boisson de Chazournes (Faculty of Law, Geneva), A.A. Cançado Trindade (University of Brasilia), P. Duffy (Editor, European Human Rights Reports), V.-Y. Ghebali (University Institute of Higher International Studies), H. Gros Espiell (Ambassador of Uruguay to France), J. Packer (United Nations Centre for Human Rights), Ch. Pintat (Inter-Parliamentary Union), D. Thiam (International Law Commission), L. Valiña (Association for the Prevention of Torture), M. Veuthey (ICRC), A. De Zayas (United Nations Centre for Human Rights), D. Prémont and I. Oseredczuk (CID).

2/ In this letter, the Permanent Representative of Guatemala, having acknowledged that "there recently arose in Guatemala a sui generis situation in which, by means of a presidential decree, an attempt was made to limit some constitutional guarantees and to dissolve two of the organs of the State", stated, inter alia, that:

"In this decree the operation of some articles of the Constitution of the Republic was suspended; as a result some constitutional guarantees, such as freedom of information, assembly and demonstration, were suspended and the Congress of the Republic, the Supreme Court of Justice and the Constitutional Court were dissolved.

"However, on the same day the Constitutional Court handed down a ruling in which it declared the decree issued by the President of the Republic to be unconstitutional and all acts performed by the President ipso jure null and void. That is to say, the decree issued by the President, being totally unconstitutional, never had any legal force or validity.

"The restrictions on constitutional guarantees which existed for a few days, especially those on freedom of information and expression, were implemented de facto by order of the former President".

## Annex I

## LIST OF REPLIES AND OTHER COMMUNICATIONS RECEIVED*

### A. Governments

| | |
|---|---|
| Algeria | 7 December 1993 |
| Burkina Faso | 10 June 1993 |
| Guatemala | 30 June 1993 |
| Jordan | 12 July 1993 |
| Kuwait | 14 September 1993 |
| Peru | 18 August 1993 |
| Russian Federation | 28 June, 11 August, 4 October and 29 December 1993 |

### B. Non-governmental organizations

| | |
|---|---|
| Amnesty International | 17 November 1993 and 7 March 1994 |
| International League for the Rights and Liberation of Peoples | 27 April 1994 |

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* Since June 1993, when the sixth report (E/CN.4/Sub.2/1993/23) was issued.

## Annex II

LIST OF SPECIALIZED PUBLICATIONS RECEIVED FROM AMNESTY INTERNATIONAL

ALGERIA - Executions after unfair trials
October 1993, AI INDEX: MDE 28/15/93

BANGLADESH - A summary of human rights concerns
April 1993, AI INDEX: ASA 13/01/93

EGYPT - Grave human rights abuses amid political violence
May 1993, AI INDEX: MDE 12/03/93

INDONESIA/EAST TIMOR - A New order? Human rights in 1992.
February 1993, AI INDEX: ASA 21/03/93

INDONESIA - "Shock therapy". Restoring order in Aceh 1989-1993
July 1993, AI INDEX: ASA 21/07/93

PERU - Human rights since the suspension of constitutional government
May 1993, AI INDEX: AMR 46/13/93

PERU - Human rights since the suspension of constitutional government: A summary of Amnesty International's concerns
June 1993, AI INDEX: AMR 46/15/93

SRI LANKA - Recent changes to emergency regulations
February 1993, AI INDEX: ASA 37/03/93

SRI LANKA - Recent changes to emergency regulations - an update
March 1993, AI INDEX: ASA 37/06/93

SRI LANKA - "Disappearance" and murder as techniques of counter-insurgency
September 1993, AI INDEX: ASA 37/13/93

TURKEY - Escalation in human rights abuses against Kurdish villagers
July 1993, AI INDEX: EUR 44/64/93

MYANMAR - The climate of fear continues
October 1993, AI INDEX: ASA 16/06/93

TOGO - Impunity for killings by the military
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Getting away with murder - Political killings and disappearances in the 1990s
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